

MARLBORO COUNTY COUNCIL

MARLBORO COUNTY CONFERENCE ROOM

THURSDAY, JANUARY 13, 2005

6 PM

CHAIRMAN: KEN ALLEN
VICE CHAIRMAN: MARION WRIGHT
ADMINISTRATOR: ANNA HUBBARD CATON
COUNTY ATTORNEY: DONNIE MCDONALD

COUNCIL: JEAN MCLEAN, JEFF QUICK,
MICKEY ROGERS, CORRIE H. PLATO,
DR. CAROLYN PRINCE, KEN ALLEN,
EDMOND BLUE, AND MARION WRIGHT

* ABSENT

CALL TO ORDER

INVOCATION

INSTALLATION OF COUNCIL MEMBERS

Council Members Mr. Ken Allen, Mrs. Mickey Rogers, Dr. Carolyn Prince and Mr. Jeff Quick were sworn in by Judge Mark Heath.

PRESENTATIONS

Ms. Vivian Lee, Pilot Club – addressed County Council as President of the Pilot Club. She addressed the Pilot Club's concerns with removal of the Christmas tree at the Court House. The tree is a source of income for their lifeline program which usually raises approximately \$1500 each year in funds. She asked Council to work with them and suggested possibly using an artificial tree in the future. She was advised Council would work to accommodate them.

APPROVAL OF MINUTES – DECEMBER 9, 2004

Motion made by Mr. Jeff Quick, seconded by Mrs. Jean McLean approving the minutes of December 9, 2004. Vote in favor. Unanimous. Motion Carried.

Motion made by Mrs. Mickey Rogers, seconded by Dr. Carolyn Prince requesting Council enter Executive session to discuss a legal matter. Vote in favor: Mrs. Mickey Rogers, Mr. Edmond Blue, Ms. Corrie Plato and Dr. Carolyn Prince. Opposed: Mr. Ken Allen, Mr. Jeff Quick, Mrs. Jean McLean, and Mr. Marion Wright. Motion was denied due to lack of support.

OLD BUSINESS

ORDINANCE # 545A – AN ORDINANCE TO REPEAL THE ZONING ORDINANCE AND TO ADOPT A REVISED ZONING ORDINANCE FOR THE COUNTY OF MARLBORO, SOUTH CAROLINA – THIRD READING

Motion was made by Mr. Edmond Blue, seconded by Mrs. Mickey Rogers to table the third reading of Ordinance #545A, refer the matter to DHEC, he believed DHEC can do a better job of enforcing the existing laws, and give DHEC a few months to figure out how to do it, if the problem is not corrected within a few months, Council is to take it back over. Vote in favor: Mrs. Mickey Rogers, Mr. Edmond Blue, Dr. Carolyn Prince and Ms. Corrie Plato. Opposed: Mr. Ken Allen, Mr. Jeff Quick, Mrs. Jean McLean and Mr. Marion Wright. Vote: 4/4. Motion did not pass due to tie vote.

Motion made by Mrs. Jean McLean, seconded by Mr. Jeff Quick to amend section 5-10 (C) of the revised Zoning Ordinance by deleting the section in its entirety and substituting in lieu thereof the following: (requested Ms. Anna Caton, Administrator read the recommendations)

Standards – Poultry production facilities of any size or number of houses shall not be located closer than 1,400 feet from any inhabitable residence (as determined by the County Building Inspector), nor from any place of public assembly (i.e. church, playground, community center, park, etc).

Special Conditions – An existing Poultry Production Facility may be expanded to a maximum of four (4) houses, provided that the aforementioned minimum setback is not violated by the construction of the additional houses.

Any proposed new Production Facility shall not be located less than one (1) mile from any existing Poultry Production Facility of any size.

To better incorporate the Facility into its environment and enhance the natural beauty of the area being impacted, the owner of the permitted Facility shall plant and maintain a double stagger-planted evergreen and/or deciduous trees in areas where no such natural buffer exists.

Poultry Production Facility defined – A building or buildings sited, established, or converted for the purpose of raising, growing, or facilitating the growth of poultry and which is subject to regulation by the South Carolina Department of Health and Environmental Control.

Relief from this section may be sought as provided in Article XI.

All permits required by the South Carolina Department of Health and Environmental Control (SCDHEC) for the construction and operation of a poultry production facility must be obtained and copies of permits issued by SCDHEC must be filed with the application for either a Marlboro County Certificate of Zoning Compliance or a Building Permit. No incineration of animals or animal refuse shall be allowed on the site of any poultry production facility unless such action is specifically approved and permitted by SCDHEC. Motion seconded by Mr. Jeff Quick. Vote in favor: Mr. Ken Allen, Mr. Jeff Quick, Mrs. Jean McLean, and Mr. Marion Wright. Opposed: Mr. Edmond Blue, Mrs. Mickey Rogers, Dr. Carolyn Prince, and Ms. Corrie Plato. Vote 4/4. Motion did not pass due to tie vote.

Mr. Ken Allen advised the amendment was denied. He read the Ordinance as is – Ordinance # 545A – An Ordinance to repeal the Zoning Ordinance and to adopt a revised Zoning Ordinance for the County of Marlboro, South Carolina – Third Reading.

Motion made by Mrs. Jean McLean, seconded by Mr. Jeff Quick to approve the third reading of Ordinance # 545A – An Ordinance to repeal the Zoning Ordinance and to adopt a revised Zoning Ordinance for the County of Marlboro, South Carolina. Vote in favor: Mr. Ken Allen, Mr. Jeff Quick, Mrs. Jean McLean and Mr. Marion Wright. Opposed: Mr. Edmond Blue, Mrs. Mickey Rogers, Dr. Carolyn Prince and Ms. Corrie Plato. Vote 4/4. Motion did not pass due to tie vote.

ORDINANCE # 588 – AN ORDINANCE TO POSTPONE REASSESSMENT – THIRD READING.

Motion made by Mr. Jeff Quick, seconded by Mrs. Mickey Rogers approving the third reading of Ordinance # 588 – An Ordinance to postpone reassessment. Vote in favor. Unanimous. Motion carried.

NEW BUSINESS

RESOLUTION # 05-01-01 – A RESOLUTION SUPPORTING THE REVISION OF 7 U.S.C. § 1926 (B) FEDERAL STATUTES TO RE-ESTABLISH THE ORIGINAL INTENT OF THE STATUTE WHICH WAS NOT TO CREATE MONOPOLISTIC CONDITIONS IN THE PROVISIONS OF WATER SERVICES.

Mr. Donnie McDonald, County Attorney discussed briefly.

Motion made by Mr. Jeff Quick, seconded by Dr. Carolyn Prince approving Resolution 05-01-01 – a Resolution supporting the revision of 7 U.S.C. § 1926 (b) Federal Statutes to re-establish the original intent of the statute which was not to create monopolistic conditions in the provisions of water services. Vote in favor: Mr. Ken Allen, Mrs. Mickey Rogers, Mr. Jeff Quick, Mrs. Jean McLean, Mr. Marion Wright, Dr. Carolyn Prince, and Ms. Corrie Plato. Opposed: Mr. Edmond Blue. Vote 7/1 Motion Carried.

CONSIDERATION OF PROFESSIONAL SERVICES FOR UPDATE OF THE MARLBORO COUNTY SOLID WASTE MANAGEMENT PLAN.

Ms. Caton discussed briefly. Staff recommended the proposal submitted by Alliance Consulting Engineers.

A motion was made by Dr. Carolyn Prince, seconded by Ms. Corrie Plato accepting the proposal submitted by Alliance Consulting Engineers for professional services for the Marlboro County Solid Waste Management Plan Update. Vote in favor. Unanimous. Motion Carried.

DISCUSSION OF THE TRANSFER STATION PROPOSAL

Discussed briefly by Ms. Caton. She advised the Transfer Station Committee has plans to meet again on January 26th with representatives from Waste Management. Mr. Gray Bostick, Planning & Zoning Director explained there were problems over the holidays with trash collection due to problems with the Bennettsville Transfer station.

CONSIDERATION OF PROPOSED CONTRACT BETWEEN DHEC AND MARLBORO COUNTY FOR BUILDING RENOVATIONS.

Motion was made by Mr. Jeff Quick, seconded by Mrs. Jean McLean approving the proposed contract between DHEC and Marlboro County for Building Renovations. Vote in Favor. Unanimous. Motion Carried.

ORDINANCE # 590 – AN ORDINANCE FOR SUPPLEMENTAL APPROPRIATION FROM SPECIAL FUNDS FOR THE PURCHASE OF NEW RADIO CONSOLES FOR E-911 – FIRST READING

Ms. Caton discussed briefly. She explained the funds would not come from the General Funds.

Motion was made by Mr. Marion Wright, seconded by Ms. Corrie Plato approving the first reading of Ordinance # 590 – An Ordinance for supplemental appropriation from special funds for the purchase of new radio consoles for E-911. Vote in favor. Unanimous. Motion carried.

CONSIDERATION OF AGREEMENT BETWEEN MARLBORO COUNTY AND S.C. OFFICE OF RURAL HEALTH FOR AUTOMATIC EXTERNAL DEFIBRILLATORS

Ms. Caton discussed briefly.

Motion was made by Mrs. Mickey Rogers, seconded by Mrs. Jean McLean to approve the agreement between Marlboro County and S.C. Office of Rural Health for Automatic External Defibrillators. Vote in favor. Unanimous. Motion Carried.

ACCEPTANCE OF EDA GRANT \$1,184,000 FOR UPGRADE TO RAIL LINE (MOHAWK INDUSTRIES)

Motion made by Ms. Corrie Plato, seconded by Dr. Carolyn Prince for acceptance of EDA grant \$1,184,000 for upgrade to rail line (Mohawk Industries). Vote in favor. Unanimous. Motion carried.

CONSIDERATION OF CONTRACT AGREEMENT FOR ENGINEERING SERVICES (MOHAWK INDUSTRIES) FOR RAILROAD UPGRADE/REPLACEMENT.

Motion made by Mrs. Jean McLean, seconded by Mr. Marion Wright for approval of contract agreement for engineering services (Mohawk Industries) for railroad upgrade/replacement.

CONSIDERATION OF REQUEST FOR PURCHASE OF LAND ON JENNINGS STREET

Ms. Caton discussed briefly.

Motion made by Mrs. Mickey Rogers, seconded by Mr. Edmond Blue to table discussion for the consideration of request for purchase of land on Jennings Street. Vote in favor. Unanimous. Motion Carried.

Council requested staff to compile additional information on the request.

APPOINTMENTS OF BOARDS AND COMMISSIONS

Motion made by Mrs. Mickey Rogers, seconded by Mr. Jeff Quick to approve the reappointment of Mrs. Doris Gentry to the Marlboro County Library Board. Vote in Favor. Unanimous. Motion carried.

Motion made by Mrs. Mickey Rogers, seconded by Dr. Carolyn Prince to approve the appointment of Ms. Edith Bridges to the Marlboro County Zoning and Appeals Board. Vote in favor. Unanimous. Motion carried.

Motion made by Mrs. Mickey Rogers, seconded by Ms. Corrie Plato to approve the appointment of Mrs. Pat Scoles to the Marlboro County Historical Preservation Board. Vote in Favor. Unanimous. Motion Carried.

Motion made by Mrs. Mickey Rogers, seconded by Mr. Jeff Quick to approve the appointment of Mr. Douglas O'Tuel to the Marlboro County Planning Commission. Vote in favor. Unanimous. Motion carried.

Motion made by Ms. Corrie Plato, seconded by Mr. Marion Wright to approve the appointment of Mr. Efrem Shaw to the Marlboro County Recreation Commission. Vote in favor. Unanimous. Motion carried.

REPORTS

ADMINISTRATIVE/FINANCIAL REPORT – ANNA HUBBARD CATON, COUNTY ADMINISTRATOR

Ms. Caton presented the Administrative/Financial Report.

Expenditures are at 52% through the end of December, 2004.

The Auditing of the Sheriffs accounts – has been completed. Sheriff Simon requested that it be done – Mr. Myers who has done the auditing for the last few years, completed the audit for the interim period of 7/1/2004 – 12/30/2004. Sheriff Knight has received a copy of the information.

The new voting system has been received. The State Office has requested that Council formally accept the new system. Although no formal motion was made, Council agreed to accept the system paid for by the state.

The partnership is close to making a recommendation on an executive director. They would like Council to consider a meeting before the next regularly scheduled meeting. This could possibly be co-ordinated along with the bids for the Courthouse. Council will be advised if the meeting is requested.

Ms. Caton confirmed that staff would request bids for the woodwork needed for the side of the courthouse and she confirmed that Council was in agreement to pay for the change orders to date. No additional work will be done. Painting only can continue. Bids for the woodwork will be submitted for Council approval. Council concurred.

Council was reminded of the Mid-year conference and asked to advise Ms. Rivers if they plan to attend.

ELECTION OF OFFICERS

Council members were advised the rules for election of officers has changed. There are two options: Raising of hands or written ballots. Council was advised by the County attorney that if they choose the written ballots – the ballots must be signed. The written ballots were agreed upon. Nominations were made.

Nomination of Chair:

A motion was made by Mr. Jeff Quick, seconded by Mrs. Jean McLean to nominate Mr. Ken Allen as Chair to Council.

A motion was made by Mr. Edmond Blue, seconded by Mrs. Mickey Rogers to nominate Dr. Carolyn Prince as Chair to Council.

A motion was made by Mr. Marion Wright, seconded by Mr. Jeff Quick that nominations come to a close. Vote in favor. Unanimous. Motion carried.

Ballots for Chair were distributed to all Council members. Ballots were marked and placed in a box – returned to the Mrs. Susan Rivers, Clerk to Council, who counted and registered the votes along with Donnie McDonald, County Attorney. The votes were read aloud and counted as:

Mr. Ken Allen – Mr. Jeff Quick, Ms. Corrie Plato, Mr. Marion Wright, Mrs. Jean McLean, and Mr. Ken Allen. Total of 5 votes.

Dr. Carolyn Prince – Mr. Edmond Blue, Mrs. Mickey Rogers, and Dr. Carolyn Prince. Total of 3 votes.

Official vote was 5/3 in favor of Mr. Ken Allen. Mr. Ken Allen was recognized as Chair to County Council for the 2005 year. Copies of votes are attached to minutes.

Nomination of Vice-Chair:

A motion was made by Ms. Corrie Plato, seconded by Mrs. Mickey Rogers to nominate Dr. Carolyn Prince as Vice-Chair to Council.

A motion was made by Mrs. Jean McLean, seconded by Mr. Jeff Quick to nominate Mr. Marion Wright as Vice-Chair to Council.

A motion was made by Mr. Jeff Quick, seconded by Mrs. Mickey Rogers that nominations come to a close. Vote in favor. Unanimous. Motion carried.

Ballots were marked and placed in box by Council members – returned to Mrs. Susan Rivers, Clerk to Council, who counted and registered the votes along with Donnie McDonald, County Attorney. The votes were read aloud and counted as:

Dr. Carolyn Prince – Mrs. Mickey Rogers, Dr. Carolyn Prince, and Ms. Corrie Plato. Total of 3 votes.

Mr. Marion Wright – Mr. Ken Allen, Mrs. Jean McLean, Mr. Marion Wright, and Mr. Jeff Quick. Total of 4 votes.

Mrs. Mickey Rogers – Mr. Edmond Blue (write in vote). Total of 1 vote.

Official Vote was 4/3/1 in favor of Mr. Marion Wright. Mr. Marion Wright was recognized as Vice-Chair of County Council for the 2005 year. Copies of votes are attached to the minutes.

RECOGNITION OF CITIZEN'S REQUEST

No comments.

RECOGNITION OF COUNCIL MEMBERS

Dr. Carolyn Prince asked Council to read the report received from the consulting firm in regard to the fund raising for the prospective new library. She stated this is a worthy cause that needs to be addressed. She advised that when this group comes back, we need to be ready to make a commitment.

Dr. Carolyn Prince asked Council to consider eliminating the worksession and to hold one meeting beginning at 6:30 pm. She suggested that if an executive session is needed, it could be held at 6 pm.

ADJOURNMENT

There was no further discussion. The meeting was adjourned.

Minutes were adopted February 10, 2005

Susan E. Rivers, Clerk to Council